

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
SIXTH DIVISION

In Re:)	
)	
ROLLIE J. FINKE and)	Bankruptcy No. 08-61126
ROSE M. FINKE,)	
)	
Debtors.)	
)	
)	
ROLLIE J. FINKE,)	
)	
Plaintiff,)	
)	
v.)	Adversary No. 09-06011
)	
UNITED STATES DEPARTMENT)	
OF EDUCATION, GREAT LAKES)	
HIGHER EDUCATION,)	
)	
Defendants.)	

ANSWER OF DEFENDANT
UNITED STATES DEPARTMENT OF EDUCATION

NOW COMES the defendant, United States Department of Education(hereinafter "ED"), by and through its attorneys, Frank J. Magill, Jr., United States Attorney for the District of Minnesota, and Roylene A. Champeaux, Assistant United States Attorney, and hereby answers plaintiff's Complaint to Determine that Student Loan is Dischargeable (hereinafter "the complaint") as follows:

I.

Except as expressly admitted, qualified, or explained herein, Defendant ED denies each and every allegation of the complaint.

II.

Defendant ED admits the allegations contained in paragraphs 1 and 2 of the plaintiff's complaint.

III.

In answering paragraph 3 of plaintiff's complaint, Defendant ED admits that Defendant ED is a creditor of the plaintiff but denies that plaintiff owes Defendant ED \$109,289.14. Instead Defendant ED affirmatively asserts that the debtor owes Defendant ED \$113,495.81 (including \$73,657.01 principal and \$39,838.80 in interest) as of April 6, 2009 with interest accruing at the rate of \$15.02 per day. Defendant ED denies that Defendant ED is claiming fees.

IV.

Defendant ED lacks sufficient information on which to form an opinion sufficient to answer paragraphs 4, 5, 6 and 7 of plaintiff's complaint and therefore denies same.

V.

In answering paragraph 8 of plaintiff's complaint, Defendant ED denies that there are multiple plaintiffs in this action. Defendant ED lacks sufficient information on which to form an opinion sufficient to answer the remaining allegations in plaintiff's complaint and therefore denies same.

VI.

Defendant ED denies the allegations contained in paragraph 9 of plaintiff's complaint.

AFFIRMATIVE DEFENSES

1. The student loan or loans at issue are non-dischargeable debts.

WHEREFORE the Defendant U.S. Department of Education prays for relief as follows:

1. Dismissing Plaintiff's Complaint with prejudice.

2. Declaring the Defendant U.S. Department of Education student loan indebtedness non-dischargeable pursuant to 11 U.S.C. § 523(a)(8).

3. Such other and further relief as the Court deems just and equitable.

Dated: April 16, 2009

FRANK J. MAGILL, JR.
United States Attorney

/e/ Roylene A. Champeaux

BY: ROYLENE A. CHAMPEAUX
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Attorneys for the
Defendant U.S. Department
of Education

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UNSWORN DECLARATION
FOR PROOF OF SERVICE

I, Roylene A. Champeaux, employed by the Office of the United States Attorney, with office address 600 U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota 55415, declares that on April 16, 2009, I caused the following document:

**Answer of the Defendant U.S. Department of Education
and Unsworn Declaration for Proof of Service**

to be filed electronically with the Clerk of Bankruptcy Court through ECF, and that ECF will send an e-notice of the electronic filing to the following:

Logan M. Moore, veldelm@rea-alp.com

And I declare, under penalty of perjury, that the foregoing is true and correct.

Executed: 4/16/09 Signed: /e/ Roylene A. Champeaux
ROYLENE A. CHAMPEAUX
Asst. U. S. Attorney